

**REMARKS**

Claims 8-19 are pending in the present application. By virtue of this response, Claims 8, 12, 16 and 18 have been amended. Accordingly, Claims 8-19 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

***Claim Rejections Under 35 U.S.C. § 103(a)***

Claims 8-16 and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over International Publication WO 99/59337 (Parish, Craig), herein referred to as Parish and U.S. Publication No. 2003/0160813A1 (Raju).

Dependent Claims 17 and 19 stand rejected under 35 U.S.C 103(a) as being unpatentable over Parish, Raju and “Auroacord”.

**New Feature**

The independent claims 12 have been amended to be directed to a newly claimed feature which is explained in the specification at paragraphs 63 through 74. This is with reference to, for instance, FIG. 7. The audio switches 725 and 825 are located at the source location and the remote location. As pointed out in paragraph 63 “The audio switch 725 is capable of selecting one input audio signal among a plurality of input audio signals and mixing several input audio signals to produce a single output audio signal.” This mixing capability of audio switch 725 is further described in paragraph 65. The complementary audio switch 825 at the other location is described in paragraphs 67 through 74, and also has a capability of selecting one input audio signal and mixing several input audio signals, see paragraph 68. Further, as pointed out at paragraph 74 with regard to the detailed FIG. 9 regarding the audio switch, “The audio switch 960 allows the target operator to remotely control the audio levels at the source location.” (This is essentially the same audio switch as described above with reference to 725 and 825.) Clearly, the advantage of such a remotely controlled mixer is substantial in the video conferencing field where it enhances the

collaborative nature of the conference. This enhancement is provided since it allows one to remotely control the audio from one location at the other location, including the mixing capability to combine several audio signals and thereby independently control the sound level of each signal, taking into account the sound levels of the other audio signals. This independent control using mixing is especially useful when there are several simultaneous audio sources as in a conferencing situation, for instance, there are more than two locations each sourcing audio or more than two sources of sound. This would occur, for instance, when there is both a conversation carried out over the audio conference as well as playback of audio media at the same time. In this case, the mixing is especially advantageous. Moreover, with this approach each location may have its own audio switch including a mixing capability which can be remotely controlled from the other locations.

New Reference Raju

The Examiner cited the new reference Raju in combination with the Parish reference as meeting the claims as earlier amended. The Examiner stated in pertinent part, see action page 3 in the Office Action of October 23, 2006:

Parish does not disclose manipulating by an operator a target location a volume of the audio content played to a user at a source location, including the volume of a transmitted spoken audio. . . . Raju discloses providing a user interface in a conferencing system, where the user interface can be manipulated to remotely operate another computer system (page 1, paragraph 7). Raju specifically discloses allowing the user at a target location to manipulate the volume of audio content played to a user at a source location (page 3, paragraph 30). Therefore, Raju discloses remotely changing the volume levels of audio. . . . Both Parish and Raju disclose a conferencing system where audio data is transmitted, with Raju further teaching that the volume of the audio can be remotely operated to affect the volume of audio data at a separate location. Therefore, it would have been obvious for one skilled in the art at the time of the invention to learn from Raju to remotely operate the volume of the audio from a target location at audio at the source location.

Several of the Examiner's conclusions are, it respectfully submitted, lacking in technical support in the Raju specifically and also in the field of conferencing. First, it is respectfully

submitted that Raju is not a conferencing system. See title and abstract of Raju indicating this is “A remote presentation system having a client operatively connected to a server, operatively connected to a remote display device. . .” Hence this is a presentation system not a conferencing system. See also paragraph 7 under Summary of the Invention of Raju “In general, in one aspect, the invention relates to a remote presentation system having a client operatively connected to a server operatively connected to a remote display device. . .” (Emphasis added.) Hence this is a client-server computer network with the central server providing the presentation material to a number of clients. There is no indication of bidirectional communication back from the client locations to the server. There is also of course no indication of a conversational or conferencing channel being provided, this not being appropriate in a server situation since a server usually would not permit live interaction amongst the members of the conference. Hence as pointed above Raju is essentially a presentation system.

The Examiner pointed to Raju paragraph 7 which was quoted above. Further, the Examiner appointed to Raju paragraph 30 which states in pertinent part, “The source control (66) allows the presenter to control remote input and output sources such as a video cassette recorder (VCR), a compact disc (CD), a network projector, etc. . . . Further, the source control (66) may contain controls to control the audio levels of a particular source.” While clearly this indicates there is some control of the source sound levels, this is not in the context of conferencing and, again, there is no voice channel which would support conferencing, or any bidirectionality at all indicated here. Instead, this is merely a control of the audio levels of the VCR, CD, etc. There is also no indication in Raju of independent volume control of several simultaneous audio sources, as provided by mixing in accordance with the present invention.

Hence it is respectfully submitted that, first, Raju is not operating in the realm of conferencing. Second, Raju is a computer server-computer-client type system with no conferencing capability. Third, Raju discloses no audio mixing capability.

Claims distinguish over Raju in combination with Parish

Therefore, it is respectfully submitted that the claims as amended here distinguish over Raju in combination with Parish. Note the amendment to Claim 8, second to last clause, so that Claim 8 now recites “manipulating by an operator and audio switch that mixes a plurality of audio signals and is located at the target location, thereby to control of volume of the audio content as played to the user at the source location;” (A similar amendment was made to the next clause of Claim 8.). As pointed above, this reads on paragraphs 63 through 74 of the specification.

As pointed out above, no such feature is shown in Parish or Raju. The Examiner acknowledges that even the claims prior to this amendment were not met by Parish. Therefore, he cited Raju. First, it is respectfully submitted that combining the teachings of Raju with Parish was not adequately motivated by the Examiner. The Examiner’s motivation for the combination is, see action page 4 “Both Parish and Raju disclose a conferencing system where audio data is transmitted. . . .” However, Raju is not a conferencing system. Instead, it is a client-server presentation system. Hence Raju first of all is computer based. Second, Raju’s system is not suitable for real time communications due to the downloaded material all having to pass from the server to the clients over a computer network. This is not a real time type operation and is not suitable for conferencing. Additionally, Raju is in the realm of presentations. This would not allow for bidirectional communication of the type which is the essence of video and audio conferencing. Hence, it is respectfully submitted that the Examiner’s suggested motivation is not adequate legally to establish a *prima facie* rejection. At a minimum, Raju is not in the field of conferencing and does not in fact disclose a conferencing system. Moreover, even having knowledge of Raju, one of ordinary skill in the art would not be able to effectively combine the teachings of Raju with those of Parish to provide an operable system. This is because it is not clear in Raju where are the locations of the various audio sources, whether they are remote or near in terms of the VCR, CD, etc. Hence, the suggested combination would not be operative and hence this further points to the lack of motivation of the suggested combination.

Additionally, even if arguendo there is adequate motivation to combine the teaching of Raju with those of Parish, this still fails to meet the claims as amended. Raju teaches having several sources such as the VCR, CD, and the projector. He also describes controlling these remotely. However, he does not disclose that audio from any one of his sources from these would be combined with any other audio. Instead, apparently the suggestion is only one sound source at a time is permitted, such as a file from the server 32 or perhaps sound from the VCR or CD mentioned in his paragraph 30. Further, while Raju does disclose controlling the audio levels of any particular source, there is no suggestion here of mixing of audio from two sources. Apparently, instead the understanding is that only one source of the sound would be available at a time and hence there would be no need for mixing. Again, this points to the presentation based technical field addressed by Raju. In a presentation there is only one sound source at a time. On the contrary, in Audi/video conferencing there may be multiple sound sources. However, neither Parish nor Raju suggests any need for sound mixing on a remotely controlled basis as now recited in Claim 8.

Hence Claim 8 distinguishes over the references even in combination first because the suggested combination is not adequately motivated, and even if it is, the combination fails to meet amended Claim 8.

Claim 12 has been amended similarly to Claim 8 and hence similarly distinguishes over the references.

Claims 16 and 18, other two independent claims, are similarly amended. Again, even with Raju the combination of Parish and Raju fail to meet these claims for at least the same reasons as pointed out above in connection with Claim 8.

#### Dependent Claims

Also pending are dependent Claims 9-15, 17, and 19... Each of these dependent claims is allowable for at least the same reason as its respective base claim.

**CONCLUSION**

In view of the above, all pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 590282001400.

Dated: January 22, 2007

Respectfully submitted,

By Norman R. Klivans  
Norman R. Klivans

Registration No.: 33,003  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5850